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09/909,524	07/20/2001	Balamani S. Vishwanath	64423-00031	1643

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,524

Applicant(s)

VISHWANATH ET AL.

Examiner

Mary Cheung

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My

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on March 12, 2004. Claims 1-22 are pending. Claims 5, 12, 19 and 22 are amended.

Response to Arguments

2. Applicant's arguments filed March 12, 2004 have been fully considered but they are not persuasive.

In response to applicant's reply about 112 2nd paragraph rejections for claims 19-22, applicant is advised to define or explain what the "stand-alone application" is in the body of the claims.

As to claims 19-22, since applicant has not clearly defined or explained what the "stand-alone application" is in the body of the claims, examiner believes that the claims have been given a reasonable interpretation (*please see the 101 rejection below*) and the 101 rejections for claims 19-22 should be sustained.

The applicant's arguments regarding the 102 and 103 rejections are based on belief that Franklin (U. S. Patent 6,125,352) fails to teach the central system and the unified shopping cart. However, examiner believes that the applicant does not clearly define in the body of the claims that how unique these two elements are in contrast with the conventional central system and unified shopping cart; thus, examiner has interpreted the central system and the unified shopping cart broadly and given reasonable interpretations. As discussed in the previous office action and the present office action, Franklin teaches a central system and a unified shopping cart (Figs. 1, 4).

Drawings

3. The applicant's amendment filed on March 12, 2004 requests to cancel Figure 65. Applicant is required to renumber the current Figs. 66-97 as Figs. 65-96, respectively.

Specification

4. The disclosure is objected to because of the following informalities:
- a) since the applicant has requested to cancel Figure 65, the Figs. 66-97 should be renumbered as Figs. 65-96, respectively; thus, the applicant is required to update the contents that associate with current Figures 66-97;
 - b) in line 9 of page 94, the phrase "Fig. 30" should be "Fig. 31". Appropriate correction is required

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The

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Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 19 recites the broad recitation "wherein the system of claim 1 does not comprise the central system, and the claim also recites "a stand-alone application using the system of Claim 1" which is the narrower statement of the range/limitation. Claims 20-22 are rejected for incorporating the errors of their respective base claims by dependency.

As to claims 19-22, it is not clear what the "stand-alone application" refers to. Does it refer to a certain computer program, or certain nonfunctional information (i.e. user profile), or something else? If the "stand-alone application" refers a computer program, what functions are embodied in the program.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 19-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 19-21, it is not clear what the "stand-alone application" refers to as discussed above. For examination purpose, the "stand-alone application" is interpreted as a computer program. Although the "stand-alone application" is functional descriptive

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material, the claims are directed to non-statutory subject matter because the data structures of said "stand-alone application" is not embodied in computer-readable medium. See MPEP 2106 IV B 1(a).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2, 4-5, 7, 12, 15 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Franklin et al., U. S. Patent 6,125,352.

As to claim 1, Franklin teaches a system for payment between buyers and sellers comprising (Fig. 1):

- a) An interface (*item 110 in Fig. 1*) between at least one seller (*items 104 and 106 in Fig. 1*) and a central system (*Item 102 in Fig 1*);
- b) At least one unified shopping cart (Fig. 4);
- c) A checkout application (*item 206 in Fig. 2*) capable of allowing at least one buyer to purchase products at at least one sellers' site in a checkout process (column 7 lines 35-42 and column 11 lines 1-10 and Fig. 2);
- d) A security architecture capable of linking the buyers and the sellers to the system wherein the security architecture is capable of keeping track of multiple

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sessions that are opened and closed during the checkout process (column 9 lines 46-54 and column 13 lines 53-59 and column 28 line 22 – column 29 line 17);

e) Authentication architecture capable of providing authentication and access control (column 7 line 59 – column 8 line 7 and column 9 lines 43-54 and column 27 line 61 – column 28 line 21).

As to claim 2, Franklin teaches the system further comprising a payment application capable of allowing for multiple payments methods (column 17 lines 62-67).

As to claim 4, Franklin teaches the system further comprising a profile application capable of maintaining an online electronic profile for financial institutions, buyers, and sellers (column 7 line 59 – column 8 line 19 and column 9 lines 35-42 and Fig. 1).

As to claim 5, Franklin teaches the interface comprises a series of platform-independent applications (column 14 lines 14-19 and column 32 lines 21-53 and Fig. 5).

As to claim 7, Franklin teaches the system is capable of tracking multiple buys across different seller sites by the same buyer (column 7 lines 29-35 and column 21 lines 44-47 and column 29 lines 1-17 and column 36 lines 10-17 and Fig. 1).

As to claim 12, Franklin teaches the security architecture is capable of encrypting of the same data for security against spoofing (column 4 lines 50-61 and column 9 lines 43-54).

As to claim 15, Franklin teaches the checkout application is capable of tracking the entered electronic wallet access information, and retrieving profile information (column 17 lines 62-67 and Figs. 4-5).

As to claim 18, Franklin teaches a method of using a system for payment between buyers and sellers comprising the steps of (Fig. 1):

- a) An interface (*item 110 in Fig. 1*) between at least one seller (*items 104 and 106 in Fig. 1*) and a central system (*Item 102 in Fig 1*);
- b) Providing at least one unified shopping cart (Fig. 4);
- c) Checking out at least one buyer purchasing products at at least one sellers' site in a checkout process (column 7 lines 35-42 and column 11 lines 1-10 and Fig. 2);
- d) Providing a security architecture capable of linking the buyers and the sellers to the system wherein the security architecture is capable of keeping track of multiple sessions that are opened and closed during the checkout process (column 9 lines 46-54 and column 13 lines 53-59 and column 28 line 22 – column 29 line 17);
- e) Providing an authentication architecture controlling authentication and access control (column 7 line 59 – column 8 line 7 and column 9 lines 43-54 and column 27 line 61 – column 28 line 21).

As to claim 19, Franklin teaches a stand-alone application (is interpreted as a *stand-alone site*) using the system of claim 1, wherein the system of Claim 1 does not comprise the central system (column 14 lines 14-19 and Fig. 3).

As to claim 20, the stand-alone application of claim 19, wherein user authentication and access control as separate functions autonomous from the system is taught by Franklin as a stand-alone site, wherein user authentication and access control

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are through a firewall as separate functions autonomous from the system (column 10 lines 41-44 and column 14 lines 14-19 and Figs. 2-3).

As to claim 21, Franklin teaches the authentication architecture is Internet-based (column 10 lines 41-44).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352.

As to claim 16, Franklin teaches at least a portion of the payments are selected from payments through a cash account, credit cards, and other cash substitute (column 7 lines 65-67 and column 17 lines 62-67 and column 24 line 61 – column 25 line 1 and

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Fig. 4). Franklin does not specifically state other cash substitute includes payments through an ATM network, smart cards, payment through third party electronic cash alternatives and private label cards. However, these types of cash substitute are commonly used for purchases. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow other cash substitute in Franklin's teaching to include payments through an ATM network, smart cards, payment through third party electronic cash alternatives and private label cards because this would attract more people with variety types of cash alternatives to use the system for purchases.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Walker et al., U. S. Patent 6,336,104.

As to claim 3, Franklin teaches the system provides the user multiple payment methods for the purchase (Fig. 4). Franklin does not specifically teach the system comprising a credit application capable of allowing a Financial Institution to offer to their buyers funds and split payments among various alternatives. However, Walker teaches this matter (column 10 lines 45 – column 11 line 35 and Figs. 10-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Franklin to include a credit application capable of allowing a Financial Institution to offer to their buyers funds and split payments among various alternatives because this would promote users to use the system to make purchases, specifically for the expensive purchases.

15. Claims 6, 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Downs et al., U. S. Patent 6,574,609.

As to claim 6, Franklin teaches the system using private/public key pair rings to prevent unauthorized access (column 28 lines 10-16). Franklin does not specifically teach the system is capable of providing validation of at least one seller through private/public key pair rings and the digital signatures. However, Downs teaches providing validation of at least one seller through private/public key pair rings and digital signatures (column 7 lines 35-64 and column 10 lines 12-17 and column 13 lines 42-48 and Figs. 1A-1B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Franklin to further include the feature of providing validation of at least one seller through private/public key pair rings and the digital signatures because this would allow the system to better protect its information from unauthorized access.

As to claim 11, Franklin teaches the security architecture as discussed above. Franklin does not specifically state that the security architecture is capable of automatic encoding of all data using special hashing routines. However, Downs teaches this matter (column 23 line 62 – column 24 line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the security architecture in Franklin's teaching to include the feature of automatic encoding of all data using special hashing routines because this would allow the data to be better protected from unauthorized access.

As to claim 22, Franklin teaches a stand-alone application as discussed in claim 19 above. Franklin does not specifically teaches the stand-alone application further comprising product authentication tools and architecture capable of providing software

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piracy management to software manufacturers distributing application products via CD-ROM or the Internet as separate functions autonomous from the central system.

However, this matter is taught by Downs as a stand-alone application (*is interpreted as Clearinghouse*) comprising authentication tools and architecture capable of providing software piracy management to software manufacturers distributing application products via the Internet as separate functions autonomous from the central system (column 7 lines 4-8, 22-34 and column 11 lines 7-39 and Fig. 1C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the stand-alone application in Franklin's teaching to further include product authentication tools and architecture capable of providing software piracy management to software manufacturers distributing application products via the Internet as separate functions autonomous from the central system because this would allow the stand-alone application to better protect information from unauthorized access.

16. Claims 8 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Call, U. S. Patent 6,154,738.

As to claim 8, Franklin teaches the system is capable of tracking purchases as discussed above. Franklin does not specifically teach the system is capable of tracking group buying of the same product from the same seller through different buyers.

However, Call teaches a system that tracks group buying of the same product from the same seller (*the retailer's inventory in Call's teaching*) through different buyers (column 29 lines 13-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the tracking system in Franklin's teaching to include the

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feature of tracking group buying of the same product from the same seller through different buyers so that the seller's inventory can be updated according to the sales to better provide accurate product availability information to the buyers.

As to claim 13-14, Franklin teaches storing dynamic product information such as inventory (column 13 lines 36-43). Franklin does not specifically teach keeping track of inventory, and allowing for appropriate and automatic updates to the seller's inventory system. However, Call teaches this matter (column 29 lines 13-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the system in Franklin's teaching to include the feature of keeping track of inventory, and allowing for appropriate and automatic updates to the seller's inventory system so that the seller's inventory can be updated according to the sales to better provide accurate product availability information to the buyers.

17. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Foster, U. S. Patent 6,332,134.

As to claim 9, Franklin the system is capable of handling payments of the purchases as discussed above. Franklin does not specifically teach the system is capable of handling multiple currencies. However, Foster teaches this matter (column 4 lines 47-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the system in Franklin's teaching to include the feature of handling multiple currencies because this would attract people in foreign countries to also use the system for purchases.

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18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Eldering, U. S. Patent 6,298,348.

As to claim 10, Franklin teaches the system is capable of tracking purchases as discussed above. Franklin does not specifically teach the system is capable of tracking buying patterns to allow the seller to streamline the advertisements during checkout. However, Eldering teaches a system that analyzing the consumer's purchase patterns in order to transmit the appropriate advertisements to the consumer (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the system in Franklin's teaching to include the feature of allowing the seller to transmit appropriate advertisements to the buyer during the checkout based on buying patterns so that the seller can better promote its products for sale.

19. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U. S. Patent 6,125,352 in view of Stoltz et al., U. S. Patent 6,615,264.

As to claim 17, Franklin teaches the authentication architecture comprises password (column 9 lines 43-54). Franklin does not specifically teach the authentication architecture comprises a username, and authentication device, wherein the authentication device is selected from software tokens, key chain tokens, and a token capable of being read by a CD drive or Smart Card Reader. However, Stoltz teaches this matter (abstract and column 8 lines 17-38 and column 9 lines 19-25, 47-67 and column 18 lines 6-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the authentication architecture in Franklin's teaching to further include a username, and authentication device, wherein the

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authentication device is selected from software tokens, key chain tokens, and a token capable of being read by a CD drive or Smart Card Reader because this would allow the user to have possession of his or her token and to better protect the secured information from unauthorized access.

Conclusion

20. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

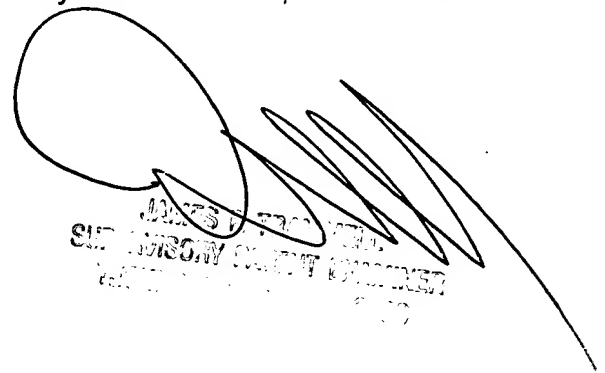
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
October 4, 2004



A handwritten signature, likely of James Trammell, is written over a circular stamp. The stamp contains the text "JAMES TRAMMEL" and "SUPERVISOR" in a circular arrangement, with "PATENT EXAMINER" at the bottom.